

**LOWER PAXTON TOWNSHIP  
ZONING HEARING BOARD**

Re-Organization Meeting  
January 5, 2012

Members in Attendance

Richard Freeburn, Chairman  
Gregory Sirb, Vice Chairperson  
Sara Jane Cate  
David Dowling  
Jeffrey Staub

Also in Attendance

James Turner, Solicitor  
Dianne Moran, Planning & Zoning Officer

**Election of Officers**

Mr. Dowling explained that it is the practice of the Board to have a chairperson serve for two years, then rotate another member into the position.

Richard Freeburn was nominated as Chairperson by Ms. Cate and seconded by Mr. Sirb. A unanimous vote followed.

The following Officers were nominated by Mr. Dowling, seconded by Mr. Freeburn. A unanimous vote followed.

Vice Chairperson:	Gregory Sirb
Court Reporter:	Filius & McLucas Reporting Services
Recording Secretary:	Michelle Hiner
Solicitor:	James Turner, Turner & O'Connell

Mr. Turner suggested adding to the nominations that each member of the Board shall be hearing officers, in the event that there is a lack of a quorum, so that the hearing testimony may be heard. Those that made the motions were agreeable to include this in their motion.

**Selection of Meeting Time, Date and Location**

The Zoning Hearing Board shall meet at 7:00 pm on the fourth Thursday of each month, with the following exceptions: the October meeting will be a week later on November 1; the November meeting will be a week later on November 29, and the December meeting will be a week later on January 3, 2013. Motioned by Mr. Freeburn and seconded by Mr. Sirb.

The reorganization meeting adjourned at 7:06 pm.

Respectfully Submitted,



Michelle Hiner  
Recording Secretary

**LOWER PAXTON TOWNSHIP  
ZONING HEARING BOARD**

Meeting of January 5, 2012

Members in Attendance

Richard Freeburn, Chairman  
Gregory Sirb, Vice Chairperson  
Sara Jane Cate  
David Dowling  
Jeffrey Staub

Also in Attendance

James Turner, Solicitor  
Dianne Moran, Planning & Zoning Officer

**Docket #1305**

Applicant: Eshenaurs Real Estate LLC  
200 S. 41<sup>st</sup> Street, Harrisburg, PA 17111

Property: 6771 Linglestown Road

Interpretation: Retail sale of propane is not a permitted use in the AR District.  
Applicant proposes to add two additional storage tanks.

Grounds: Section 306.B.1, of the Lower Paxton Township Zoning Ordinance pertains to this application.

Fees Paid: November 23, 2011

Property Posted: December 27, 2011

Advertisement: Appeared in The Paxton Herald on December 21 & 28, 2011

The hearing began at 7:07 pm.

Mr. Freeburn stated it is customary for the Board to enter as exhibits the application and site plans. The applicants had no objection to its doing so.

The following were sworn in: Craig Eshenaur, 1640 Shannon Drive, owner of the property; and Dianne Moran, Planning & Zoning Officer. Linus Fenicle of Reager & Adler was present representing Mr. Eshenaur.

Ms. Moran stated that retail sale of propane is not a permitted use in the AR District, and the applicant proposes to add two additional storage tanks to the site. There is already a 30,000 gallon propane tank onsite, which was approved via Docket #1012 in 2001.

Mr. Fenicle stated that in 2001 this Zoning Hearing Board granted a variance to allow a 30,000 gallon propane tank on this property, which has a 1 million gallon above ground fuel storage tank. Mr. Eshenaur desires to add two propane tanks of the same size because he needs additional storage. He stated that he considers this application to be an amendment to the 2001 variance, as everything in this request is as it was in that request. The only change is that the owner is Eshenaur Real Estate LLC and not Eshenaur Fuels.

Mr. Eshenaur testified that his business is plumbing, heating, air conditioning, fuel oil and propane. There is one 30,000 storage tank for propane. Propane is delivered to the residential customers. Everything is the same on the site as it was in 2001 when the variance was granted. It is his desire to add more storage for propane, as he can run into shortages in the summer and winter trying to keep up with customer demands. The propane sales have gone from 100,000 to 1 million gallons and the existing tank is not enough. The location of the tanks is shown on the site plan. The public does not come to the site for propane. Mr. Eshenaur stated that the granting of the variance would not alter the character of the neighborhood or adversely impact the surrounding properties. The fuel tank dwarfs the proposed tanks.

Mr. Fenicle asked about truck trips on the site. Mr. Eshenaur stated that in 2001 there was approximately 1 truck trip to the tank per day, it will now be several trips per day. The supplier comes in during the overnight, but with the demand, they also need to come in during the day because they can't keep the tank full. If there is 90,000 gallon capacity for storage, the truck would not have to come in during the day.

Mr. Eshenaur stated he has not had any complaints about the activities on this site.

Mr. Fenicle asked about additional approvals needed. Mr. Eshenaur stated he needs to get approval from the Department of Labor and Industry who will require a fire analysis in addition to any other requirements, and that will take several months to approve.

Mr. Sirb asked if the request for variance is simply because the consumption has increased that much. Mr. Eshenaur stated that since they first started in the propane business, it has grown tremendously and the oil demand has decreased.

Mr. Sirb asked if there is a better price for buying more fuel at a time. Mr. Eshenaur answered no, that the price is driven by the market, but added that it comes in loads of 10,000 gallons.

Ms. Cate asked if people heat their homes with propane more than oil. Mr. Eshenaur stated they are converting many homes from fuel oil to propane. He added that propane has other uses as well, such as cooking, generators, forklifts and other commercial uses.

Mr. Dowling asked the size of the property. Mr. Eshenaur stated it is six acres.

Mr. Dowling asked if the propane tank is enclosed with a fence. Mr. Eshenaur answered yes. Mr. Dowling asked about the proposed tanks. Mr. Eshenaur stated the proposed tanks will also be fenced in.

Mr. Staub asked about the land around the tank and if it is gravel or some other sort of pervious surface. Mr. Eshenaur stated that they (the State) want it to be gravel, and that is the existing condition.

Mr. Staub stated in 2001 the land was zoned commercially, but it is now zoned differently. Mr. Eshenaur stated that is correct.

Ms. Cate asked if the applicant has discussed this with the neighbors. Mr. Eshenaur answered no. He noted he is friendly with all of his neighbors, and supplies fuel/propane to some of them. There are no neighbors immediately close by.

Mr. Sirb asked if there are regulations that state how many gallons there can be on a site. Mr. Eshenaur stated he could find that out from Labor & Industry. He noted that there are tank farms that have twenty tanks on a site. He added that the Township setbacks provide some limitation to what can be located on the site. The large tank also has a dike around it, and there is required green space, so these also limit the over use of the site. Mr. Eshenaur stated that L&I has requirements for how close a tank can be to a building as well as other regulations.

Ms. Moran asked if L&I has already approved the 5-foot spacing between the tanks. Mr. Eshenaur stated that is their requirement.

Mr. Eshenaur stated he is trying to get tanks that are very similar in appearance to what is currently on the site.

Mr. Dowling asked if there have been any leaks on the site. Mr. Eshenaur answered no. He stated that propane is not hazardous, where fuel oil is.

Mr. Staub asked about additional truck traffic. The testimony from the original variance mentions one truck trip to the tank per day. Mr. Eshenaur stated he started with 20 customers and there are close to 3,000 now. The truck traffic has been increasing over the years and there have been no complaints. Mr. Staub asked how many trips could be generated. Mr. Eshenaur stated there could be two to four trips to the tank in a day, and some days there may be zero. He noted that a truck used for residential delivery holds 3,000 gallons, and the truck that delivers it to Eshenaur's holds 10,000 gallons.

Ms. Cate asked if oil delivery has decreased. Mr. Eshenaur stated that oil has dropped dramatically in the last 10 years.

Mr. Freeburn called for comments from the audience. There was none.

Mr. Freeburn asked if the Township had a position on the application. Ms. Moran answered no.

Mr. Freeburn stated the Board has 45 days in which to render a decision, and asked if any member of the Board wished to take action on Docket #1305.

Mr. Dowling made a motion to approve the variance request as submitted. Ms. Cate seconded the motion, and a roll call vote followed: Mr. Staub-Aye; Mr. Sirb-Aye; Mr. Dowling-Aye; Ms. Cate-Aye; and Mr. Freeburn-Aye.

The variance was granted as submitted.

The hearing ended at 7:26 pm.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'MHiner', is written above the printed name.

Michelle Hiner  
Recording Secretary

IN RE: : BEFORE THE LOWER PAXTON  
: TOWNSHIP ZONING HEARING BOARD  
APPLICATION OF : DAUPHIN COUNTY, PENNSYLVANIA  
:  
ESHENAUR'S REAL ESTATE LLC: DOCKET NO. 1305

### **DECISION GRANTING VARIANCE**

The applicant seeks to expand a previously granted variance to locate additional propane tanks in an A-R Agricultural Residential District. A hearing on the application was held on January 5, 2012.

#### **Facts**

1. The applicant and owner of the property in question is Eshenaur's Real Estate, LLC of 200 S. 41<sup>st</sup> Street, Harrisburg, Pennsylvania 17111. Appearing on behalf of the applicant was Gary Eshenaur, owner, and Linus Fenicle, Esquire.

2. The property in question is located on the south side of Linglestown Road and consists of a rectangular parcel with nearly 400 feet of frontage, extending in depth nearly 700 feet. The parcel is zoned A-R Agriculture/Residential.

3. The property is improved with a fuel oil storage facility and several frame structures. The fuel oil tank has a capacity of 1,000,000 gallons. By virtue of a previously granted variance, the applicant installed a 30,000 gallon propane tank. Due to changes in consumer demand, the applicant seeks permission to add two additional 30,000 gallon propane tanks. These new tanks would be installed in the rear of the property adjacent to the existing propane tank. There would be no retail sales at the facility. Traffic would be limited to delivery trucks which are filled at the facility. The additional traffic generated by the new propane tanks would be offset by a decline in the number of fuel oil deliveries originating from the facility.

4. Expanding the storage capacity is necessary to prevent shortages during winter months.
5. The existing propane facility has operated since 2001 without incident.
6. Notice of the hearing was posted and advertisement made as required by the ordinance.
7. No one other than the applicant and his representative appeared to testify either in favor of or against the proposed variance.

### **Conclusions**

1. Article 306(b)(1) sets forth permitted uses in the A-R district. The proposed use is not a permitted use.
2. Article 111.D.3 of the ordinance gives the Zoning Hearing Board the power to authorize, in specific cases, variances from the terms of the ordinance and its supplements as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of the ordinance would result in unnecessary hardship. The ordinance further requires that the spirit of the ordinance shall be observed, public health, safety and general welfare shall be secured, substantial justice shall be done, and no appreciable diminution of the market value surrounding properties shall be caused by such variance.
3. The Board finds that the property is burdened by a hardship consisting of the existing pattern of development which predates changes in the zoning ordinance. The existing fuel oil storage facility severely limits the development potential of the remainder of the property to other energy-related use.
4. Granting the variance will not alter the essential character of the neighborhood nor adversely impact surrounding property values. The impact of the new

propane tanks is dwarfed by the existing oil storage tank. The additional traffic generated by the propane tanks is de minimis compared to the existing traffic on Linglestown Road. Generous setbacks are maintained and the terrain of the property is such that the tanks are not readily visible to the general public.

**Decision**

In view of the foregoing and having considered the plans and testimony submitted to the Board, it is the opinion of the Board that the variance requested should be and is hereby granted allowing the installation of two additional propane storage tanks in strict conformity with the plans and testimony submitted to the Board and subject to all installation requirements of the Department of Labor & Industry.

Date: 2/23/19

LOWER PAXTON TOWNSHIP  
ZONING HEARING BOARD

  
Richard E. Freeburn

  
David B. Dowling

  
Jeffrey W. Staub

  
Sara Jane Cate

  
Gregory P. Sirb



**LOWER PAXTON TOWNSHIP  
ZONING HEARING BOARD**

Meeting of January 5, 2012

Members in Attendance

Richard Freeburn, Chairman  
Gregory Sirb, Vice Chairperson  
Sara Jane Cate  
David Dowling  
Jeffrey Staub

Also in Attendance

James Turner, Solicitor  
Dianne Moran, Planning & Zoning Officer

**Docket #1306**

Applicant: Susanne Sardino, Quenton Jones  
DH Landscaping

Property: 6531 Devonshire Heights Road

Interpretation: A landscaping business is not a permitted use in the R-1 District.  
Applicant seeks a variance to allow storage and keeping of equipment and supplies at the site.

Grounds: Section 306.B.1, of the Lower Paxton Township Zoning Ordinance pertains to this application.

Fees Paid: November 23, 2011

Property Posted: December 27, 2011

Advertisement: Appeared in The Paxton Herald on December 21 & 28, 2011

The hearing began at 7:27 pm.

Mr. Freeburn stated it is customary for the Board to enter as exhibits the application and site plans. The applicants had no objection to its doing so.

The following were sworn in: Susanne Sardino & Quenton Jones, 6531 Devonshire Heights Road, property owners. Dianne Moran, Planning & Zoning Officer remained under oath from the previous hearing. The owners were represented by Attorney Zach Campbell of Metzger Wickersham, 3211 North Front Street.

Mr. Campbell stated the variance is not really for a landscape business, but rather a variance to store landscape equipment and vehicles used for the business. Mr. Freeburn asked if the business is not to be run from the site, but the vehicles and equipment will be

stored there. Mr. Campbell answered some of it. Mr. Jones stated he lives at the subject site, and uses the equipment there. He has a shop where he keeps the business stuff. With renovations at the home, he has kept equipment there to use on the house. He felt that was part of the problem, and stated that the equipment will not be there all the time.

Mr. Campbell stated this site is a residence, which Mr. Jones intends to use as his primary residence. He lives there now, and will soon be joined by his fiancé and young daughter. The home has been under renovation for the last year, and the work has given the appearance that a business has been operated from the location. That is not the intended use of the site.

Mr. Jones testified that he owns and operates the landscape business known as DH Landscaping. The business address for the business is 6089 Peachtree Street. There is a shop to run the operations located in West Hanover Township. He is the primary occupant at the Devonshire Heights Road, and has been for one year. Mrs. Sardino is the co-owner of the home and is Mr. Jones' aunt. The property will be occupied by Mr. Jones and his fiancé and four year old daughter. He intends to use the property as his sole residence. He does not intend to operate the business from this location, but rather from the storage space in West Hanover and the office on Peachtree Street.

The variance is to store certain equipment at the Devonshire Heights property. Mr. Jones would like to be able to bring equipment home. He owns two single axle dump trucks under 13,000 pounds. He owns two single axle pickup trucks. There is other equipment that is for the landscaping business but could also be considered construction equipment: Caboda B35 tractor, with a back hoe and bucket and attachments for things such as post hole digging. It is a small piece of equipment. He also has a New Holland skid steer. Mr. Jones testified he does not intend to keep these items onsite all the time. He explained that they recently dug the driveway and put stone in, and this work required use of the equipment. There are other times when he would like to keep equipment at the house rather than the shop, because he may get done working late and want to drive straight home even if there is a trailer on the back of what he is driving.

Mr. Jones testified that he does not meet his clients at his home, and he does not intend to do so in the future. He also testified that he does not intend to store mulch or at the home unless it is being used for the home, not the business. He intends to keep these things at the shop. He has no intention of changing his business address to Devonshire Heights Road.

Mr. Campbell presented photos of the vehicles showing the location if they were parked on the subject parcel.

Mr. Sirb surmised the following: the applicant is not operating a business per se, but the fact that he stores business vehicles amounts to operating a business. Ms. Moran stated that in speaking with Ms. Sardino sometimes employees pick up the vehicles at the

home. She explained to Ms. Sardino that a minor home occupation may not have customers or employees coming there.

Mr. Sirb stated the testimony leads him to believe that the owner is bringing a personal work vehicle home, but if employees are picking up vehicles at the house, it crosses the line.

Mr. Jones explained that his employees are also his friends, and they do all their own work and have been renovating the house together. They do come to the house, go to work and come back, so it looks like they are parking there for work, but they are also staying after work to work on the house.

Mr. Sirb asked about when the renovations are done at the house. Mr. Jones stated that this won't happen once the renovations are complete. He noted he doesn't even keep the lawn mowers at the house anymore.

Mr. Sirb asked if the applicant thinks this is what led to this. Mr. Jones answered yes; if he were a neighbor looking in it would look like a business to him. While he is running a business, it is not his intent to run it from this location; this is going to be his home forever.

Mr. Sirb asked if a variance is really needed.

Ms. Moran offered some background information. She stated that Ms. Sardino was going to file an appeal of the Zoning Officer's Decision that a business is being run from the location. As they discussed the matter further, it was filed as a variance to cover everything in case it is determined that the actions do describe a business operation.

Mr. Sirb asked if driving a work truck home qualifies as a home business. Ms. Moran stated that if there are no employees and no customers coming, there is no advertising onsite, then this is a minor home occupation, which is a permitted use in a residential district. However, if he wants to have those vehicles parked there and have employees pick up vehicles he will need a variance.

Mr. Freeburn asked if the applicant will not have employees coming to the house for business purposes. Mr. Jones agreed, and noted they will be there for personal time.

Mr. Freeburn asked if there will be no customers coming to the property. Mr. Jones stated that customers have never come to his property.

Mr. Freeburn asked if the applicant will have vehicles parked onsite for business purposes. Mr. Jones stated he has two barns on the property and they do all of their own minor maintenance, such as oil changes and tune-ups. He wants to be able to bring his vehicles home, work and personal, and do oil changes and maintenance. He asked if that is a problem. Mr. Freeburn stated it could be a problem. He suggested maintenance on

the business vehicles could be business operations. Mr. Jones stated that if he is allowed, he will do the maintenance, but if he can't, he will do it somewhere else.

Mr. Freeburn asked if the pull-along trailer will be at the home. Mr. Jones stated he was using it to do the driveway so it is there now, but he can take it to the shop.

Mr. Campbell stated he thinks the blurred part of the use of the property is because of the work being done on the house. Mr. Sirb stated that even if you take away the home renovations, there is maintenance of work vehicles and storage of equipment. That sounds like there is a need for a variance. Mr. Campbell stated that if one is needed, then it should only be to store the vehicles there, with the understanding that that will not be a regular occurrence.

Mr. Sirb asked about supplies, specifically chemicals. Mr. Jones stated he had a truck of mulch delivered to the house, and he used it at the house and he used it up, except for an island of it that will be used as an island. There is dirt dug up from the driveway, but it is not being used anywhere else. He does not intend to store mulch or stone or any other supplies there. He has a half-acre where he stores those things. Mr. Campbell stated that any variance would only be for keeping of the vehicles shown in the pictures. Ms. Sardino stated she wants to make sure that if Mr. Jones works late and wants to come straight home, that it does not cause alarm or cause the neighbors to misunderstand that there is a business there.

Ms. Cate asked the distance from the home to the office. Mr. Jones stated it is about 15-20 minutes to the West Hanover property where he stores equipment. Ms. Cate questioned the location of the other property. Mr. Jones stated it is off of Route 39 near Tank Truck Outfitters. He showed pictures of the equipment at the location in West Hanover, north of I-81. The office is in Mr. Jones' mother's house, basically for paperwork since the business of landscaping doesn't have a need to have customers come to him.

Mr. Staub asked how many business vehicles will be stored at the property at any given time after the renovations are complete. Mr. Jones answered 2. Mr. Staub asked about trailers. Mr. Jones answered no, but agreed they could in an instance where he comes straight home with the work truck and trailer. Mr. Staub asked how the applicant can drive two vehicles home and then drive two vehicles to work in the morning. Mr. Jones stated that the white GMC truck will sit all winter because it is not 4x4 during the landscaping season it will be housed at the storage in West Hanover. Ms. Sardino stated that landscaping is seasonal, so in the summer they can do landscaping and in the winter they can do winter maintenance like plowing snow.

Mr. Dowling state that the types of vehicles are what is drawing attention. He noted that they can not regulate driving a work truck home, but the trailer and caboda shouldn't be stored there. Mr. Jones stated they are only there because he was using them

on the property. They will be moved tomorrow. Mr. Dowling stated the pictures look like a business location parking lot.

Mr. Dowling asked when the property should be completely done with renovations. Mr. Jones stated that the house should be done in a week, but the property will be worked on forever. He will not have the equipment there unless he is using it. He stated he is allowed to use his equipment there.

Ms. Sardino stated she thinks the issue is that a business owner is using business equipment to renovate his home and improve his property.

Ms. Cate asked how long this has been going on. Ms. Sardino stated it has been a year. Mr. Jones stated it has been a year, but he has to do it in his off time so when it is busy he can only work there at night. Mr. Jones stated that his father-in-law's truck is in one of the pictures because he lives along the Swatara Creek and was flooded out. The truck is just being stored there because he has lost everything in the flood.

Mr. Freeburn called for comments from the audience. There was none.

Mr. Freeburn asked about the outbuildings and if it is the plan to work on business vehicles. Mr. Jones stated he wants to be able to change the oil in his personal vehicle as well as business vehicles, but only small maintenance things. Mr. Freeburn stated that would constitute business there. Mr. Jones stated he can continue to do the oil changes where the equipment is stored.

Mr. Jones noted that this is the first time he has gone through anything like this and will do what he needs to do. Mr. Freeburn stated that if the business grows and there are 20 vehicles running from the house, it can get out of control. Mr. Freeburn stated he thinks what the applicant is saying is that if it is not permitted he will not do it. Mr. Jones agreed. Mr. Turner stated if that is the case, then a variance is not needed. Mr. Sirb agreed, and noted that if the intent is a business at this property he will not vote for it. Renovations are reasonable, a business is not.

Mr. Freeburn opened the floor to any members of the audience that wish to be heard relative to the matter.

Mr. Albert Kruger, 6540 Devonshire Heights Road, lives across the street from the applicant. Mr. Kruger was sworn in. He requested to view the photographs. Mr. Staub asked Mr. Kruger to identify his home on the map. Mr. Kruger asked if the applicant is living at the property. Mr. Jones stated he stays there but the family does not yet. Mr. Kruger asked if he stays overnight. Mr. Jones stated he stays overnight most nights, but not every night. Mr. Kruger stated he does not see that happening, as far as he can tell nobody stays overnight. Mr. Jones stated his family will move in in a week and a half. Mr. Kruger stated the roof was done in February. Mr. Jones stated he started in February but did not complete it till April. Mr. Kruger testified that the trucks are usually positioned on the front lawn in the grass. Mr. Kruger asked about employees reporting to

work at the house and taking work vehicles out. Mr. Jones stated that is what he was explaining earlier that they came there and left their personal vehicles, went to work then came back and worked together on the house. This was before he knew of any complaints, it hasn't happened since then. Mr. Kruger stated this has gone on all summer. Mr. Kruger asked if a building permit was obtained for the work being done. Mr. Jones stated the work does not require a permit. Mr. Freeburn stated the question tonight is the use of the property as a business location, if it has been or will be used for business purposes. He stated it is his understanding that Mr. Jones is not intending to run the business from the property; if he has in the past it would be a violation of the ordinance. If he doesn't in the future he doesn't need a variance. If he starts to run the business from this location he will be in violation.

Mr. Kruger asked how long will it take to resolve if this comes up again, noting he complained in July and its January now. No fines have been levied but he ran the business all spring, summer and fall. Mr. Kruger stated the applicant did run a business from the home, it was obvious to him when he sees employees reporting to work and taking vehicles. He did see work being done on the house but they aren't doing that when they take a dump truck full of mulch out and don't come back. There was a huge pile of mulch on the front lawn and the dump trucks were used to load it up and take it away.

Mr. Campbell stated this is the situation being rectified. It was a mistake in the past, and his intent moving forward is to be a part of the neighborhood. He has made a lot of improvements to the house which was run down when he bought it.

Mr. Kruger asked if the work done to the out buildings was for the business. Mr. Jones stated he only ran conduit for electric.

Mr. Kruger stated there are vehicles parked on the property that are not business vehicles and seem to be junk vehicles since they are parked to the rear and haven't moved since they were put there. Mr. Jones stated that one is his wife's vehicle they are trying to sell, and one is his father-in-law's truck. Mr. Freeburn stated he is concerned about business vehicles only.

Mark Bosworth, 6538 Devonshire Heights Road lives across the street from the property. He stated he agrees with Mr. Kruger's assessment of the activity. He would prefer to be welcoming the new family to the neighborhood, but by all appearances there is a business being conducted there. He stated there is still a considerable pile of tanbark. There are a number of vehicles, work and private, parked for an extensive period of time. Until very recently there was a portable toilet at the property.

Mr. Sirb asked if what was observed over the last 6-8 months change the character of the neighborhood. Mr. Bosworth answered yes, the noise even if not constant was evident in the morning and afternoon. He noted he has lived there for 35 years and is concerned for the value of his property if a business is allowed.

No one else from the audience offered testimony.

Mr. Campbell stated they would like to withdraw the variance application.

Mr. Sirb stated that even if the application is withdrawn, the testimony is that there has been business activity at the house, and that has to stop. Mr. Campbell didn't disagree with that. Mr. Sirb stated he assumed that no other violations or complaints will be filed. Mr. Campbell agreed. Ms. Sardino stated that this is a young couple coming into their very first home and are trying to improve it and make it theirs, a misunderstanding has been resolved and it is clear now. Once the home is done the surrounding property values will probably go up.

Mr. Jones asked if he should notify someone when he is going to work in the yard. Mr. Turner stated that permission is not required, but he suggested talking to your neighbors. He suggested trading phone numbers tonight following the hearing so the lines of communication are open.

Mr. Bosworth asked for some sort of guarantee, and a timeline when the vehicles will move. Mr. Campbell stated the applicant is still working on the property.

Mr. Freeburn stated that no action was needed on Docket #1306.

The hearing ended at 8:30 pm.

Respectfully Submitted,



Michelle Hiner  
Recording Secretary